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**UNITED STATES DISTRICT COURT**

**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

IN RE: UBER TECHNOLOGIES  
INC. DATA SECURITY BREACH  
LITIGATION

CASE No.: 2:18-ml-2826-PSG (GJSx)

[Assigned to The Honorable Philip S.  
Gutierrez For All Purposes]

**CLASS ACTION**

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR APPOINTMENT  
OF THOMAS V. GIRARDI, GIRARDI  
KEESE, AND BOBBY SAADIAN,  
WILSHIRE LAW FIRM, AS CO-LEAD  
COUNSEL**

**NOTICE OF MOTION AND MOTION**

**TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on August 13, 2018, in the courtroom of the Hon. Philip S. Guetierrez of the United States District Court for the Central District of California, located at 350 West 1st Street, Courtroom 6A, 6th Floor, Los Angeles, California 90012, Plaintiffs Alejandro Flores, Robert Comperini, Alan Salazar, Andrew Lozeau, Bridget Saidi, Nicole Stokes, Elaina Mohead, Matthew Scott, Marcus Brown (collectively, “*Lopez* Plaintiffs”) and Girardi Keese and Wilshire Law Firm, will, and hereby do move the Court for an order appointing Girardi Keese and Wilshire Law Firm as plaintiffs’ interim lead class counsel in this matter. *See, e.g.*, Fed. R. Civ. P. 23(g).

This motion is based on the foregoing, this notice, the subjoined memorandum of points and authorities, the papers and records on file in this action, and other such written and oral argument as may be presented to the Court.

Dated August 13, 2018

Respectfully submitted,

/s/ Thomas V. Girardi

Thomas V. Girardi

/s/ Bobby Saadian

Bobby Saadian

*Attorneys For Plaintiffs*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. THE COURT SHOULD APPOINT TOM GIRARDI AND BOBBY SAADIAN AS CO-LEAD COUNSEL**

Plaintiffs propose a two firm co-lead structure comprised of Girardi Keese and Wilshire Law Firm. As discussed below, both firms hold the perfect combination of knowledge, experience, and diversity.

#### **A. Applicable standards**

“Although Rule 23(g)(3) does not provide a standard for appointment of interim counsel, the court may consider the factors contained in Federal Rule of Civil Procedure 23(g)(1).” *White v. TransUnion, LLC*, 239 F.R.D. 681, 683 (C.D. Cal. 2006) (citing Manual for Complex Litigation (Fourth) § 21.11 (2004)). The factors include: (i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” Fed. R. Civ. P. 23(g)(1)(A). Additionally, the Court may “consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B). Specifically, in addition to the foregoing, it is important to have diversity within the leadership structure, as well as being inclusive of both young and more seasoned attorneys.

#### **B. The Rule 23 Class-Counsel Factors Favor The Appointment of Girardi Keese and Wilshire Law Firm**

The considerations of Fed. R. Civ. P. 23(g)(1)(A), (B) and this Court’s noted preferences favor Girardi Keese and Wilshire Law Firm’s joint-application.

As to (i) work counsel has done: The *Lopez* case was the first filed case in the United States against Uber on this subject. The *Lopez* case is the most

1 developed case out of all of the other cases filed in this matter. Both Girardi  
 2 Keese and Wilshire Law Firm's investigation to date includes conducting  
 3 numerous interviews of Uber customers, engaging in discussions with technology  
 4 experts, reviewing similar lawsuit dockets, compiling existing complaints,  
 5 comparing causes of action, and comparing arbitration oppositions.

6 In addition, both Girardi Keese and Wilshire Law Firm have undertaken the  
 7 identification and investigation of additional potential claims through the  
 8 engagement of experts.

9 As to (ii) counsel's experience: Tom Girardi<sup>1</sup> has held leadership roles in  
 10 countless litigations of a similar ilk as the instant matter, both in the class action  
 11 context and the mass tort arena. Illustrative of Mr. Girardi's years of experience  
 12 are the following successful resolutions:

- 13 • \$4.85 billion settlement in the *Vioxx* drug litigation; lead settlement
- 14 negotiation;
- 15 • \$333 million settlement for the residents of Hinkley, California in a
- 16 mass toxic tort case involving contaminated drinking water;
- 17 • \$1.87 billion settlement during a prolonged jury trial, known as the
- 18 "Sempra Energy Litigation";
- 19 • \$1.7 billion settlement with El Paso Corporation on behalf of
- 20 California consumers who suffered economic losses due to the
- 21 manipulation of gas prices;
- 22 • \$37.3 million settlement in the "Northridge Sales Tax Litigation";
- 23 • \$545 million settlement in the *Fogel v. Farmer's Group Inc. et al.*
- 24 litigation.

25 In addition to Mr. Girardi, Bobby Saadian is a premiere young lawyer with  
 26 the following accolades to show for his outstanding work in the practice of law:

27 <sup>1</sup> Attached hereto is Thomas V. Girardi's Declaration in support of the instant motion.

1 Top 10 National Latino Trial Lawyers - The National Trial Lawyer; Most  
 2 Influential Minority Lawyers - Los Angeles Business Journal; Southern California  
 3 Rising Starts Up-And-Coming 100 - Super Lawyers; Southern California's Top  
 4 Verdicts & Settlements - Super Lawyers; Southern California Rising Starts Up-  
 5 And-Coming 100 - Super Lawyers; past President Top 40 Under 40 – the National  
 6 Trial Lawyers; Top 100 Trial Lawyers – The National Trial Lawyers; AV  
 7 Preeminent Rating – Martindale-Hubbell; Clients’ Choice Award – Avvo; and the  
 8 Top 25 Class Action Trial Lawyers – The National Trial Lawyers, among others.  
 9 Mr. Saadian has also extensive experience in data breach cases like this one,  
 10 including:

- 11 • *Ables v. Brooks Brothers*, No. 2:17-cv-04309 (C.D. Cal. 2017);
- 12 • *Pica v. Delta Air Lines Inc., et al.*, No. 2:18-cv-02876 (C.D. Cal.
- 13 2018);
- 14 • *Feinstein v. Four Seasons Hotels Limited*, No. 2:18-cv-03351 (C.D.
- 15 Cal.2018);
- 16 • *Balsamo v. Kimpton Hotel and Restaurant Group, LLC, et al.*, No.
- 17 2:18-cv-03356 (C.D. Cal. 2018);
- 18 • *Jackson v. Loew s Hotels, Inc., et al.*, No. 5:18-cv-00827 (C.D. Cal.
- 19 2018);
- 20 • *Dupler v. Orbitz, LLC, et al.*, No. 2:18-cv-02303 (C.D. Cal. 2018);
- 21 • *Mekerdjian v. Saks Fifth Avenue LLC, et al.*, 2:18-cv-02649 (C.D.
- 22 Cal. 2018);
- 23 • *Hsiao v. Sbe Ent Holdings, LLC, et al.*, 2:18-cv-03358 (C.D. Cal.
- 24 2018);
- 25 • *Cruz v. Two Roads Hospitality LLC, et al.*, 2:18-cv-03357 (C.D. Cal.
- 26 2018).

1 As to (iii) knowledge of applicable law: Both firms are well-versed in  
2 applicable California common and statutory law. Further, the firms are equally  
3 versed in the laws of other states, as well as the ways they can be grouped for  
4 purposes of establishing predominance and manageability. As mentioned above,  
5 the firms are very experienced in data breach class actions.

6 As to (iv) resources that counsel will commit: The firms can and will  
7 commit all the resources necessary to litigate this case. Girardi Keese has been in  
8 existence for more than four decades. Seventy percent of the lawyers have been  
9 employed with Girardi Keese for more than 17 years. Similar percentages apply  
10 to the administrative staff. Girardi Keese has thirty lawyers, ten law clerks, ten  
11 data entry staff, and an administrative staff of forty employees. Girardi Keese is  
12 properly staffed to handle complicated matters such as this. Although Girardi  
13 Keese has major cases all over the country, the fact that it has a California  
14 presence will be helpful in this case. Further, Wilshire Law Firm has rapidly  
15 grown into a powerhouse, with more than 90 employees. Wilshire Law has a  
16 large staff built to support litigation of this kind.

17 Both law firms have several talented younger lawyers dedicated to this  
18 litigation. To name a couple:

19 Mr. Christopher Aumais has tried over 25 cases to verdict, including the  
20 *Stow v. Dodger's* case for which Mr. Girardi and Mr. Aumais secured a verdict of  
21 \$18 million for their client, Bryan Stow. In addition to his work on single plaintiff  
22 cases, Mr. Aumais was instrumental most recently in the *Acosta v. Shell Oil* and  
23 *Aguirre v. James Bolch et al.* (Exide) mass tort litigations and has been nominated  
24 twice for trial lawyer of the year by Consumer Attorneys of California.

25 Ms. Alexandra Steele has been working for Girardi Keese since law school.  
26 During the course of her tenure, she has tried two cases to verdict, taken over 100  
27 depositions, and defended over 200 depositions in consumer class actions,

1 personal injury, and intellectual property cases. Most recently, Judge Brian Walsh  
 2 in San Jose granted certification on a consumer class action for which Ms. Steele  
 3 both briefed and argued the motion.

4 Girardi Keese and Wilshire Law Firm team presents both a wide range of  
 5 experience and capability but also diversity in age, gender and background, all of  
 6 which is imperative to a litigation of this nature.

## 7 **II. CONCLUSION**

8 For the foregoing reasons, counsel for the *Lopez* Plaintiffs respectfully  
 9 request that the Court grant their application and appoint Thomas V. Girardi of  
 10 Girardi Keese and Bobby Saadian of Wilshire Law Firm as interim Co-Lead  
 11 Counsel.

12  
 13 Dated August 13, 2018

Respectfully submitted,

14  
 15 /s/ Thomas V. Girardi

16 Thomas V. Girardi  
 17 Girardi Keese

18  
 19 /s/ Bobby Saadian

20 Bobby Saadian  
 21 The Wilshire Law Firm  
 22 Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I, Bobby Saadian, hereby certify that on August 13, 2018, the foregoing  
**PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR  
APPOINTMENT OF THOMAS V. GIRARDI, GIRARDI KEESE, BOBBY  
SAADIAN, AND THE WILSHIRE LAW FIRM AS CO-LEAD COUNSEL**  
was filed electronically through the CM/ECF system, copies of which were sent  
by First Class Mail to anyone unable to accept them via the electronic filing  
system.

By: /s/ Bobby Saadian  
Bobby Saadian